IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 445 OF 1995

IN

SUIT NO. 4871 OF 1995

M/s. Jay Engg. Works Ltd,. .. Plaintiffs

vs.

Patel Roadways Ltd., Bombay. .. Defendants.

Mr. S.G. Deshmukh for the plaintiffs.

Mr. Shilpa Kapil for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 5th September, 2005.

P.C.

. The present suit is filed on the basis that the defendant being the transporter has failed to deliver the goods which were entrusted to them for the purpose of transportation and consequently the goods are lost. The suit is itself a suit for damages and in that view of the matter suit does not lie as a summary suit. Summons for judgment dismissed. Unconditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to

be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.